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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,773	12/08/2003	Hans Hundegger	P69351USD	1079
<div>7590 06/27/2008 JACOBSON, PRICE, HOLMAN &amp; STERN PROFESSIONAL LIMITED LIABILITY COMPANY 400 Seventh Street, N.W. Washington, DC 20004</div>				
EXAMINER				
MILLER, DENA B				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
06/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/728,773

**Applicant(s)**

HUNDEGGER, HANS

**Examiner**

Bena Miller

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-5 and 47-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 49-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurn (US Patent 3,833,033) in view of Vartiainen (US Patent 4,441,537) and Giles (US Patent 6,640,855).

Hurn teaches most of the elements of the claimed invention including providing at least one machining tool in a single work station for machining a wood workpiece (A—fig. 7), providing a first conveying system in a feeding region of the single work station for the wood workpiece (G—fig.7) , providing a second conveying system in a discharge region of the single work station for the wood workpiece (H—fig.7), the second conveying system including a coupling unit cooperating with the first conveying system for conveying the wood workpiece (H10—fig.7), providing each of the first and the second conveying systems with a positioning system (213—fig.7; Note: in col. 5, lines 22-31, Hurn teaches the datum position, i.e., a mechanical stop, must be positioned on the output or downstream side of the drive roller) for carrying out a plurality of machining operations in the single work station on the wood workpiece by the at least one machining tool in the single work station, machining of the front end of the wood workpiece in the single work station and performing subsequent machining operations

on the wood workpiece in the single work station while the wood workpiece is moving from the feeding region to the discharge region as controlled by the positioning system directing each of the first and the second conveying systems to exactly position the wood workpiece for the machining operations by the at least one machining tool (col. 10, line 48-col. 11, line 37), and moving the at least one machining tool along several axes in coordination with each of the first conveying system and the second conveying system to complete the machining operations as the wood workpiece moves into, through and out of the single work station (fig.7). The positioning system of Hurns is normalized and synchronized as described in col. 10, line 48-col.11, line 37 and shown in figure 7.

However, Hurns fails to teach the positioning system for each of the first and the second conveying systems being connected with measuring equipment to index the wood workpiece during a first machining of a front end of the wood workpiece by the at least one machining tools and performing subsequent machining operations on the wood workpiece in the single work station simultaneously while the wood workpiece is constantly moving from the feeding region.

Vartianen teaches that it is well known to provide a measuring device for aligning wood before cutting. It would have been obvious to one of ordinary skill in the art to incorporate measuring equipment as suggested Vartianen in the device of Hurn for the reasons set forth above.

Giles teaches a similar apparatus wherein the log is move to and through processing section 14. See col. 4, line 45. It should be noted that processing section

14 variety of cutters (col. 4, par. 5). It would have been obvious to one of ordinary skill in the art to incorporate the step of performing subsequent machining operations on the wood workpiece in the single work station simultaneously while the wood workpiece is constantly moving from the feeding region, as suggested by Giles in the device of Hurn for the purpose of providing a plurality of cuts in the log.

Further, It would have been obvious to one having ordinary, skill in the art at the time the invention was made to incorporate a third and a fourth machining tool are located on opposite sides of the wood workpiece in the single work station in the device of Hurn, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis col.*, 193 USPQ 8.

#### ***Allowable Subject Matter***

Claims 49-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bena Miller/  
Primary Examiner, Art Unit 3725  
June 23, 2008